

Application No. 10/748,329
Filed December 31, 2003
Reply to Office Action of June 29, 2006

REMARKS/ARGUMENTS

Claims 1, 6 have been cancelled. Claim 9 has been amended to correct a clerical error by replacing the term "comprising" with the term "comprises". No amendments have been made to claims 6, 7, 8, 10 and 11.

The undersigned wishes to thank the Examiner for examining the previously presented claims on their merits. The Examiner's assumption that the text presented in single square brackets is deleted is correct.

Claims 1 to 5 have been rejected under 35 U.S.C §102(b) as the Examiner asserts that these claims are anticipated by United States Patent No. 5,769,221 to Cyr. Claims 1 to 5 have been cancelled and therefore the Examiner's rejection of these claims is now moot.

Claim 6 has been rejected under 35 U.S.C §102(b) as the Examiner asserts that this claim is anticipated by United States Patent No. 6,073,770 to Park. Applicant traverses the Examiner's rejection of claim 6 based on the Park reference. Claim 6 presently on file recites as follows:

A carrying case with adaptable internal dimensions for accommodating contents of different sizes and shapes, comprising:
a plurality of internal side walls; and
a plurality of stackable shock-absorbent spacers for insertion between the side walls and said contents;

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wherein adjacent ones of said stackable shock-absorbent spacers are removably coupled to one another.

Park discloses a briefcase including a plurality of shock-absorbing air pads 70. In the embodiment shown in Figure 8, the shock-absorbing air pad is made up of stacked foaming pieces 88, 90 and 92. In rejecting claim 6, the Examiner asserts that Park uses three stackable spacers (88, 90 and 92) which are coupled together by means of a wrap (76). Contrary to the Examiner's assertions, however, there is absolutely no disclosure of the spacers being removably coupled to each other, as claimed in independent claim 6.

As indicated, claim 6 specifically recites that the "stackable shock-absorbent spacers are removably coupled to one another".

In contrast, Park teaches a single spacer, referred to as a foaming element 82 that is made up of three different parts. While these parts are adjacent each other, there is absolutely no suggestion or even a hint that these parts are removably coupled to one another. Although the Examiner asserts that these spacers are removably coupled to one another by means of a wrap, there is absolutely no teaching or suggestion in the Park reference that these parts can be removed from one another. Thus, in rejecting this claim, the Examiner is adding to the teachings of the cited art to assert that all of the elements are taught.

Withdrawal of the Examiner's rejection of claim 6 is respectfully requested.

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Claims 7 to 11 have been rejected under 35 U.S.C §103(a) as the Examiner asserts that this claims are unpatentable over the Park reference in view of the Cyr reference. Applicant traverses the Examiner's rejection and submits the following for the Examiner's consideration.

As indicated above, Park completely fails to teach or suggest a plurality of stackable shock-absorbent spacers for insertion between the side walls and said contents; wherein adjacent ones of said stackable shock-absorbent spacers are removably coupled to one another.

Cyr discloses a lens-gate divider system for a camera bag in which dividers 56 and 58 are provided to divide the camera bag into at least three compartments. Like the Park reference, Cyr fails to teach or suggest a plurality of stackable shock-absorbent spacers for insertion between the side walls and said contents; wherein adjacent ones of said stackable shock-absorbent spacers are removably coupled to one another.

There is, in fact, no reason to even attempt to combine the teachings of Cyr and Park, given that the shock-absorbent spacers disclosed by Park are not removably coupled to one another. Thus, there is no possible motivation or means of adding a hook and loop fastener, for example, to each of the spacers, as claimed in claim 9.

The combination of the Cyr and Park references cannot possibly render the present claims as obvious.

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Reconsideration of the Examiner's rejection of the present claims is respectfully requested.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-3750.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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